



Appeal Decision

Site visit made on 10 January 2023

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/A2335/D/22/3308243

Willowdene, Shore Road, Silverdale, Carnforth, Lancashire, LA5 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms S Crossley against the decision of Lancaster City Council.
 - The application Ref 22/00368/FUL, dated 17 March 2022, was refused by notice dated 19 July 2022.
 - The development proposed is excavation of land and erection of a part 2 storey part single storey rear extension with patio above, installation of external steps, construction of a dormer extension to the rear elevation and erection of a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for excavation of land and erection of a part 2 storey part single storey rear extension with patio above, installation of external steps, construction of a dormer extension to the rear elevation and erection of a detached garage at Willowdene, Shore Road, Carnforth, Lancashire, LA5 0TP in accordance with the terms of the application, Ref 22/00368/FUL, dated 17 March 2022, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the dwelling and the area; and
 - ii) The living conditions of the residential occupiers of Heron Chase with particular regard to overlooking, privacy and overbearing.

Reasons

Character and appearance

3. Willowdene is a modest single storey detached dwelling finished in render with a pitched tile roof and it has a timber extension and patio to the rear. It is set back from the road with off street parking and a large rear garden. It is in a residential area with properties of varied styles, sizes and designs, but with cohesive stone boundary walls and mature planting. Silverdale is in the Arnsdale and Silverdale Area of Outstanding Natural Beauty (the AONB).
4. Part of the rear garden would be excavated to allow the construction of a single storey flat roof extension at lower ground level, with a patio above. The 2 storey part would be a partial width pitched gable end extension roughly 3.4m deep and 7.8m wide with a ridge height to match the host property. The gable end would be glazed with ground floor bifold doors and timber truss

details and glazing to the first floor. The extension would be finished in limestone random rubble with roof tiles to match its host. A pitch roof dormer in the existing rear roof slope would be linked to the 2 storey extension roof by an enclosed roof extension (the causeway) finished in slate and render. The existing rear garage would be demolished and replaced by a detached garage towards the rear of the plot.

5. Following the acceptance of amended plans, the Council considers that the external materials in the extension and the garage, and materials to match the host dwelling, would be in keeping with the area and the AONB. Moreover, the alterations to the front elevation, the garage, 2 storey extension and dormer roof extension would respond well and make a positive contribution to the host dwelling. Based on the evidence before me, I see no reason to disagree. Nevertheless, the application was refused on grounds relating to visual amenity, with particular regard to the causeway and the external patio area.
6. The causeway would be rendered with a pitched roof that would finish at the height of the ridges of the extensions to either side. A small section of flat roof would then extend towards the main ridge of the property. Although flat roofs are not characteristic of the appeal property or the area, it would be a modest feature unobtrusively sited to the rear of the dwelling. Even if the rear roofscape would be more pleasing in its absence, the causeway would not be prominent and its matching materials would integrate it into the dwelling. In the absence of close views, and as it would not be conspicuous in the street scene or townscape, I find that the causeway would not harm visual amenity.
7. The rear patio would span the full width of the property and it would wrap around the 2 storey extension. The part closest to the driveway would be roughly 7m deep and, as it would be above the single storey extension, it would be elevated roughly 2.5m above ground level. The long side edge of the patio would feature a large planting box to screen and soften its appearance. The main part of the patio providing private functional outdoor space would be to the rear of the extension and it would be considerably less than 7m deep. It would not be excessively large nor out of scale in the context of the extended dwelling and the large rear garden. While it would be raised, this is because the ground drops away to the north and west of the dwelling and, in this regard, the existing patio is similarly elevated. Taking into account that the patio would be to the rear of the property and screened by built development and vegetation, it would not be a dominant or incongruous feature.
8. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area, including the AONB. It would not conflict with Policies DM29 and DM46 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020 (the DMDPD) or Policies AS02 and AS08 of the Arncliffe and Silverdale Area of Outstanding Natural Beauty Development Plan Document Adopted March 2019 (the AONB DPD). These require, among other things, that development contributes positively to local character and distinctiveness and that it avoids significant detrimental impacts on visual amenity.

Living conditions

9. Willowdene is widely separated from the neighbouring property to the east, Ryedale, and from properties to the rear on Shore Close. Taking into account the distances involved, topography and vegetation, the proposal would not

result in any close overlooking to habitable room windows or private outdoor spaces of these properties.

10. However, the appeal property is relatively close to, and it is elevated above, the neighbouring property to the west, Heron Chase. The shared boundary is formed by a tall close-boarded fence, but even so there are unobstructed views between the rear patio and garden of Willowdene and the rear elevation, conservatory and garden of Heron Chase.
11. The proposed patio would extend several metres further into the rear garden than the existing patio and it would allow overlooking towards habitable room windows of Heron Chase, its rear conservatory and garden. However, the neighbours are already significantly overlooked and their privacy is compromised to the rear of their property. Overlooking from the proposed patio, including obliquely towards the neighbouring rear elevation, would not be significantly more harmful than the current situation. Furthermore, the proposed planting to the edge of the patio and the boundary would reduce overlooking between the neighbouring properties.
12. As is already the case for the existing rear patio, the proposed patio would be set in from the shared boundary and it would be elevated above Heron Chase and its garden. However, the single storey elevation beneath the patio would be largely screened by the tall boundary treatment and the proposal would be softened by planting. Taking into account its separation and screening, the patio would not result in a poor outlook from the neighbouring property. Moreover, while it would be a visual change, it would not be overbearing to the neighbours in Heron Chase.
13. The landscaping would include a planting box along the elevated edge of the patio with evergreen shrubs maintained at 1.5m height and evergreen planting at 3m height along the shared boundary with Heron Chase. The planting would soften and screen the proposal, reduce overlooking and better protect the neighbours' privacy than the current situation. However, while the appellant has received detailed advice including in relation to suitable species, this does not appear to have been provided with the appeal and the Council has had no opportunity to comment on it. Although the lack of detail does not address the Council's concerns in relation to overlooking, taking into account the proposal, the existing situation and the surrounding context of mature vegetated boundary treatments, I am satisfied that landscape planting is appropriate in this case and it could be addressed by the imposition of a planning condition.
14. Therefore, the proposal would not harm the living conditions of the neighbouring residential occupiers of Heron Chase. It would not conflict with the aims of Policies DM29 and DM46 of the DMDPD or Policies AS02 and AS08 of the AONB DPD. These require, among other things, that development responds positively to the local built environment and that it avoids intrusive elements and significant detrimental impacts to residential amenity.

Other Matters

15. In addition to loss of privacy, third party concerns include the stability of the boundary wall and the noise arising from the sewage package treatment plant. There is little evidence that the proposal would compromise the boundary wall, or that this is a matter for the appeal, or that the treatment plant would harm the living conditions of neighbouring occupiers.

16. The highway consultee objected to the originally submitted scheme on grounds that the proposed access arrangements would compromise highway safety. However, as the amended plans retain the existing access, the proposal would not harm the safe operation of the highway.
17. My attention has been drawn to the nearby Grade II listed building, 19 Shore Road. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting. No 19 and the adjoining barn are historic stone and slate buildings set back on the opposite side of the road behind frontages largely enclosed by stone walls. Taking into account the separation of the appeal property from the listed building, the intervening road and the mixed residential character and appearance of the area, I am satisfied that the proposal would not harm the setting of the listed building.
18. The Council notes anomalies in the plans in relation to the garage elevations and the floor plans. In this regard, there is a pedestrian door to the garage on the floor plans but not the elevation plans. Also, there is a first floor window in the west elevation of the dwelling on the elevation plans but not the floor plans. However, the application was not refused on grounds relating to the plans or the design and appearance of the garage or dwelling. The discrepancies appear to be drafting errors and they do not fundamentally alter the proposal or my conclusions in relation to its acceptability.

Conditions

19. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the relevant requirements of the National Planning Policy Framework.
20. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans. However, due to the drafting errors between the elevation plans and the floor plans, I have imposed a condition requiring the submission of further details of the garage and the dwelling elevations in the interests of certainty.
21. The Council indicates that a condition requiring the external materials to match the existing building is not necessary. Therefore, on the basis that the Council is satisfied that the external materials would be appropriate to the locality, a condition specifying the external materials is not necessary. However, and although not suggested by the Council, a condition requiring details of landscaping is necessary in the interests of residential and visual amenity.

Conclusion

22. For the reasons set out above, I conclude that the proposal would not conflict with the development plan.
23. Therefore, the appeal should be allowed subject to conditions.

Sarah Manchester

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 2812/000N – Location Plan; Ref 2812/002 rev N – Elevations and sections; Ref 2812/001 rev O – Proposed floor plans; Ref 2812/003 rev N – Additional information.
- 3) Notwithstanding condition No 2, the extension hereby permitted shall not be first occupied until details of the garage elevations and the windows in the west elevation of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition No 2, the external rear patio shall not be brought into use until details of the landscaping have been submitted to and approved in writing by the local planning authority. The details shall include planting plans and schedules of plants noting species, sizes and proposed numbers and densities. The landscaping shall be carried out in accordance with the approved details before the external rear patio is brought into use and it shall be retained thereafter.

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